

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JP MORGAN CHASE BANK, N.A.,

Case No. 08-13845

Plaintiff,

Avern Cohn

United States District Judge

vs.

Michael Hluchaniuk

United States Magistrate Judge

LARRY J. WINGET, *et al.*,

Defendants.

_____ /

STIPULATION OF THE PARTIES

The parties to the above-captioned case hereby stipulate to the following:

In an effort to: 1) resolve without judicial intervention, issues related to Plaintiff/Counter-Defendant's assertion of privilege over documents authored or received by Senior Lender Black Diamond (or its counsel Skadden Arps) in connection with its role as Debtor-In-Possession lender for the Venture companies from late 2003 through 2005; 2) accommodate scheduling conflicts with currently noticed deposition dates; and/or 3) avoid the necessity of re-deposing certain witnesses following this Court's resolution of the pending Motion to Compel (Dkt. No. 104), the parties hereby stipulate to the taking of the following depositions not later than January 31st, 2011:

1. Kim Costello
2. T. Andrew Eckstein
3. William Burgess
4. Roy Gallagher
5. William Shield

The parties acknowledge that this stipulation does not constitute and will not be construed as implying, directly or indirectly, an intent to waive any privilege presently being asserted in this case by any party. Nor does it waive any rights of either party to seek further relief from the Court under Fed. R. Civ. P. 26 or 16.

Dated: December 13, 2010

s/ Thomas V. Hubbard
John E. Anding (P30356)
Thomas V. Hubbard (P60575)
DREW, COOPER & ANDING, P.C.
Attorneys for Defendants/
Counter-Plaintiffs
Aldrich Place, Suite 200
80 Ottawa Avenue, N.W.
Grand Rapids, MI 49503
Ph: (616) 454-8300
janding@dcadvocate.com
thubbard@dcadvocate.com

Dated: December 13, 2010

s/ Melville W. Washburn
Melville W. Washburn (IL ARDC 6195497)
Kevin C. Pecoraro
SIDLEY AUSTIN LLP
Attorneys for Plaintiff
One South Dearborn Street
Chicago, IL 60603
Ph: (312) 853-7000

ORDER

Pursuant to the stipulation of the parties;

IT IS SO ORDERED.

Date: December 13, 2010

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on December 13, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Melville W. Washburn, William T. Burgess, John E. Anding, and Thomas V. Hubbard.

s/Tammy Hallwood
Case Manager
(810) 341-7887
tammy_hallwood@mied.uscourts.gov